



# UNITED STATES PATENT AND TRADEMARK OFFICE

mf

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,315	12/15/2003	Thomas E. Creamer	BOC9-2003-0080 (454)	5476
40987	7590	11/21/2006	EXAMINER	
AKERMAN SENTERFITT			WIN, AUNG T	
P. O. BOX 3188			ART UNIT	
WEST PALM BEACH, FL 33402-3188			PAPER NUMBER	
			2617	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/736,315

Applicant(s)

CREAMER ET AL.

Examiner

Aung T. Win

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 4, 10 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-15, 17 & 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/21/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed on 08/21/2006 with respect to claims 1-3, 5-9, 11-15, 17 & 18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-9, 11-15, 17 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neary (US20020076008A1) in view of Girardo (US20020077819A1).

Art Unit: 2617

3.1 Regarding Claim 1, Neary discloses a method of verifying accuracy of performance of voice response system comprising: [see Abstract & Summary] [Paragraph 0015-0020] [See Figures]

Establishing a voice link between automated call generator (ACG) units (claimed test system) and IVR system (claimed voice response system) [Paragraph 0015-0017] [sending audible speech: 0027] [actual utterance: 0030];

Receiving a call-flow verification mode signal CFV from the test system [Paragraph 0005 & 0034] to activate the voice response unit for determining a voice prompt [Figures 4, 5 & 7] [executed Utterances or audible speech: Paragraph 0020, 0030, 0031, 0033 & 0034] to play over the voice link in response to the received signal.

Determining what voice prompt to send (i.e., what audible speech to send) teaches claimed executing step because IVR systems are implemented with software programs and executed accordingly [Also see Paragraph 0019].

Neary also discloses execution information [execution information "one", execution information "two" etc., Paragraph 0018] [Also See Figures] for the test system to process and route the call to the correct voice path by sending multiple audible speech to the test system over the voice link. Neary teaches IVR system execute software programs to send next audible speech to the test system in response to received execution information from the test system therefore, execution information must be associated with software programs as claimed i.e., claimed gathering and sending steps. Neary fails to disclose converting the voice prompt to text as claimed.

Girardo discloses a system and method for testing and verification of voice response system (System Under Test SUT 7: Figure 1] with Voice Prompt Transcriber and Test system [VPTT: Figure 1]. VPTT as taught by Girardo comprises speech recognizer and transcriber 12 to speech recognize the voice prompt played over the established link and convert the voice prompt to text as claimed [Speech recognizer and transcriber 12: Figure 1] [0012 & 0016].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify Neary's test system to implement VPTT as taught by Girardo to recognize the audible speech and further convert it to text as claimed. One of ordinary skill in the art would have been motivated to do this provide the improved test system for testing and verification of voice response system via speech recognition [Girardo: 0003-0009].

3.2 Claim 7 is the apparatus claim rejected for the same reasons as stated above in Claim 1 rejection because claimed steps executed by claimed means stated in Claim 9 are substantially closed to corresponding claimed steps of Claim 1. Therefore, at the time of invention of made, it is obvious to one of ordinary skill in the art that modified method teaches claimed means in order to process claimed steps accordingly.

3.3 Claim 13 is rejected for the same reasons as stated above in Claims 1 and 7 rejections because the claims steps substantially read on the corresponding steps of

Claims 1 and 7. AT the time of invention of made, it is obvious to one of ordinary skill in the art that, the system comprises a machine readable storage storing a computer program with sequences instructions to execute the claimed steps. Furthermore, IVR systems are preprogrammed [Neary: Paragraph 0019], thus ACG unit and IVR system include the computer program as claimed to perform such claimed steps for verifying the IVR system software by call-flow verification.

3.4 Claims 2, 8 & 14 are rejected for the same reason as stated above in Claim 1, 7 & 13 rejections. Neary also discloses testing system responding the IVR system by sending execution information in DTMF input [Paragraph 0015] [See Figures].

3.5 Claims 3, 5, 6, 9, 11, 12, 15, 17 & 18 are also rejected for the same reason as stated above in Claim 1, 7 & 13 rejections. Regarding Claims 3, 5, 6, 9, 11, 12, 15, 17 & 18, Neary's verification method is to verify whether the call are routed to the correct voice path according to input response from the test system based on comparison analysis. [Verification to check all possible paths; Abstract] [Paragraph 0018] [See Figures] [Also see comparison analysis in Paragraphs 0019-0021, 0036, 0037 & 0045]. Neary also teaches speech recognizing voice prompts [See IVR action: Figure 2]

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Connor	US006477492B1
Coleman	US005933475A
Tsai et al.	US006504905B1/
Howard et al.	US006587543B1
Michel et al.	US006724865B1
Mills et al.	US 20040032935A1
Mumford et al.	US006427000B1

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aung T. Win  
Group Art Unit 2617  
November 15, 2006



**DUC M. NGUYEN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**